

1 JAMES S. THOMSON
2 California SBN 79658
3 Attorney and Counselor at Law
4 732 Addison Street, Suite A
5 Berkeley, California 94710
6 Telephone: (510) 525-9123
7 Facsimile: (510) 525-9124
8 Email: james@ycbtal.net
9

10 TIMOTHY J. FOLEY
11 California SBN 111558
12 Attorney at Law
13 1017 L Street, Number 348
14 Sacramento, California 95814
15 Telephone: (916) 599-3501
16 Email: tfoley9@earthlink.net
17

18 Attorneys for Defendant
19 JUSTIN GRAY

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE EASTERN DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA,) **Case No. 1:20-cr-00238-JLT-SKO**
23)
24 Plaintiff,) **REPLY AND STIPULATION**
25 vs.) **REGARDING JUSTIN GRAY'S MOTION**
26) **FOR DISCOVERY AND DISCLOSURE**
27) **OF EVIDENCE**
28 JUSTIN GRAY,)
29)
30 Defendants.)
31

32 Justin Gray filed a Motion For Discovery and Disclosure of Evidence. Doc #932.
33 An additional item was added to the motion in a supplement. Doc #963. Several co-
34 defendants joined the motion. Doc #942, #953 and #961. The government filed a
35 responsive pleading. Doc #1030.

36 In the response, the government set forth its position with regard to the 22 items
37 requested in the motion, stating that some items have been produced, others do not exist,
38 and others will be produced. Doc #1030.

39 After the response was filed, counsel for Mr. Gray and counsel for the government
40 met and conferred several times in order to clarify the status of the requested items and
41 determine whether the Court's intervention is necessary. As a result of these meetings,

1 the parties set forth their understanding and agreement regarding the items requested in
2 the motion.

3 Mr. Gray's discovery requests and the government's responses follow:

4 1. Confirmation that the surveillance cameras located at the Calvary Church,
5 25501 Oak Street, Lomita California, were inoperable (Bates # BASH 12841).

6 - **No footage or images were recovered from these cameras.**

7 2. The supplemental report of FIS Michael Bayer and a complete set of photos
8 taken of the black Volkswagen Passat towed from the Lomita crime scene area (Bates #
9 BASH 12841 and 12861).

10 - **These items have been produced.**

11 3. Copies of any surveillance footage or still photos taken from the fixed
12 camera located at 255th Street, Lomita California that faced southbound covering the
13 driveway of the residence and possibly down 255th Street (Bates # BASH 12843).

14 - **No footage or images were recovered from this camera.**

15 4. Copies of any surveillance footage or still photos taken from the camera
16 under the eave of the roof facing eastbound down 255th Street; the cameras on the
17 corners of a building facing south across 255th Street; and the Wyze camera in the front
18 window located on Oak Street (Bates # BASH 12844).

19 - **No footage or images were recovered from these cameras.**

20 5. Copies of any surveillance footage or still photos taken from the Ring
21 doorbell camera located at 255th Street (Bates # BASH 12846).

22 - **No footage or images were recovered from this camera.**

23 6. Copies of any surveillance footage or still photos taken from the security
24 camera located on Woodward Avenue that faced towards Woodward Avenue (Bates #
25 BASH 12847).

26 - **No footage or images were recovered from this camera.**

27

28

1 7. Copies of any surveillance footage or still photos taken from the doorbell
2 Ring camera located on “Woodward Street” (sic, presumably Woodward Avenue) that
3 faced Woodward Avenue and a secondary camera mounted on the north side of the house
4 facing south towards 255th Street (Bates # BASH 12847).

5 - **No footage or images were recovered from this camera.**

6 8. Copies of any surveillance footage or still photos taken from the security
7 cameras located on Oak Street that faced Oak Street (Bates # BASH 12847).

8 - **No footage or images were recovered from these cameras.**

9 9. Copies of any surveillance footage or still photos taken from the Ring
10 camera (located on the wall, west of the front door, facing the front yard and street) at
11 255th Street and confirmation that the camera did not capture the shooting incident (Bates
12 # BASH 12860).

13 - **No footage or images were recovered from this camera.**

14 10. Any investigation reports concerning the identification of the red sedan seen
15 driving westbound on 255th Street, making a u-turn and then driving away from the area
16 (Bates # BASH 12843).

17 - **No reports were made.**

18 11. Any investigation reports concerning the identification of the Chevy
19 Silverado seen parked in front of 25520 Woodward Avenue and then driving northbound
20 on Woodward Avenue (Bates # BASH 12844).

21 - **No reports were made.**

22 12. Confirmation that the “witness perspective photographs” were taken from
23 the bedroom window at the 255th Street residence (Bates # BASH 12860) and that the
24 photographs at BASH 12726 - BASH 12736 are those photographs.

25 - **The photographs were taken from the bedroom window of the
26 residence.**

27

28

1 13. The stolen vehicle report (Eau Claire Police Department Wisconsin Incident
2 Report #20PD16740) (Bates # BASH 12860).

3 - **The government is not in possession of this report.**

4 14. The Global Positioning System monitoring report from Mr. Gray's cell
5 phone (Bates # BASH 12864).

6 - **No such item exists.**

7 15. The *Ramey* warrant for Mr. Gray authorized on December 10, 2020 (Bates
8 # BASH 12865).

9 - **The government agrees to produce this item.**

10 16. The search warrant for the La Quinta Inn, 3555 Inland Empire Blvd,
11 Ontario, executed on December 10, 2020 (Bates # BASH 12849-12857, 12865).

12 - **The government agrees to produce this item.**

13 17. Any recording (audio or video), report, notes, or transcript of any
14 interview/statement of Justin Gray made in an interview room at the South Los Angeles
15 Sheriff's Station on December 10, 2020 (Bates # BASH 12865) where he asserted his
16 Miranda rights and declined to be interviewed.

17 - **No such item exists.**

18 18. Any recording (audio or video), report, notes, or transcript of any
19 interview/statement of Justin Gray made at the time of his arrest on May 15, 2022 on an
20 unrelated case where he asserted his Miranda rights and declined to be interviewed.
21 (Bates # BASH 13083).

22 - **No such item exists.**

23 19. A complete copy of the October 27, 2020 Search Warrant and Statement of
24 Probable Cause for all records associated with mobile numbers for V-1 (Roshanski) and
25 V-2 (Magomedgadzhiev) (Bates # BASH 22147). The first four of nine pages are
26 included in the discovery. (Bates # BASH 22147-149).

27 - **The government agrees to produce this item.**

28

1 20. All notes, recordings, reports, and/or narratives of the October 7, 2020
2 interview of G S by LASD investigators as described in the November 19, 2020, Search
3 Warrant for cell phone call records (Bates # BASH 22183, 22190) unless deemed *Jencks*
4 material.

5 - **These items have been produced unless Jencks or other evidentiary**
6 **rules apply.**

7 21. Any recording (audio or video), report, notes, or transcript of any
8 interview/statement of Justin Gray made at the time of his arrest on September 30, 2022
9 in this case where he asserted his Miranda rights and declined to be interviewed. (Bates #
10 BASH 13083).

11 - **No such items exist.**

12 22. Recording of two jail calls alleged to have been made by Justin Gray
13 (Physical Evidence Item # 74).

14 - **The government agrees to produce these items to defendant Gray.**

15 In light of the government's representations, and the government's agreement to
16 produce items 15, 16, 19 and 22, by June 20, 2024, and the government's agreement to
17 make further inquiries into items 6, 7, 8, and 9, the parties agree that no hearing on this
18 motion should be necessary. The parties concur that the hearing currently set for July 3,
19 2024, on the motion should be provisionally held as a placeholder date should a dispute or
20 disagreement arise regarding the discovery production to occur by June 20, 2024.

22 DATED: May 5, 2024

Respectfully submitted,

/s/ *James S. Thomson*

/s/ *Timothy J. Foley*

JAMES J. THOMSON
TIMOTHY J. FOLEY
Attorneys for JUSTIN GRAY

1 SO STIPULATED

2 DATED: May 5, 2024

/s/ James S. Thomson

/s/ Timothy J. Foley

4 JAMES J. THOMSON
5 TIMOTHY J. FOLEY
6 Attorneys for JUSTIN GRAY

7 SO STIPULATED

8 DATED: May 5, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Stephanie M. Stokman

9 STAPHANIE M. STOKMAN
10 Assistant United States Attorney

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28